

### REMARKS

This application has been reviewed in light of the Office Action dated April 23, 2003. Claims 24-36 remain in the application. Claims 24 and 31-36 have been amended to define more clearly what Applicants regard as their invention. Claims 24 and 31 are in independent form. Favorable reconsideration is requested.

Claims 24 and 31 were rejected under 35 U.S.C. § 112, first paragraph, as not being supported by disclosure in the application as filed that would have conveyed to one of ordinary skill that Applicants had possession of the claimed invention as of the filing date.

The claims have been carefully reviewed and amended as deemed necessary to ensure that they conform fully to the requirements of Section 112, first paragraph. It is believed that the rejection under Section 112, first paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

Claims 24, 25, 28, 29, 31, 32, 35 and 36 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,108,033 (Ito et al.). Claims 26, 27, 30, 33 and 34 were rejected under 35 U.S.C. § 103(a) as being obvious from *Ito* in view of U.S. Patent 6,359,644 (Salvati).

Independent Claim 24 is directed to an image processing apparatus that comprises an input unit, and a reception unit, adapted to receive information of a size of an object or a distance to the object<sup>?</sup>, for use in detecting a desired object, from an external apparatus via a communication interface. The apparatus also is provided with a detection unit, adapted to detect the desired object corresponding to the information received by the reception unit, from the image data input by the input unit, and a transmission unit, which

is adapted, in a case in which the detection unit detects the desired object, to transmit information reflecting detection of the object to the external apparatus via the communication interface.

At the very least, Applicants strongly assert that nothing has been found in either *Ito* or *Salvati* that would teach or suggest an arrangement in which information about size or distance of an object is received from an external apparatus via a communication interface, and which transmits information reflecting detection of the object to the external apparatus via such an interface, as is recited in Claim 24.

*Ito* relates to a monitor camera which detects an object to track it. However, this reference fails to teach that information about the size of an object to be detected or about the distance to the object is or should be received from an external apparatus via a communication interface. Applicants note that the Office Action cites col. 5, lines 60-65, and col. 6, lines 63-67, of *Ito* for the recited received information, to which  $f_t(x,y)$  of *Ito* (Fig. 5D) is said to correspond. Reviewing those lines, however, and taking into account also col. 5, lines 44-46, it is seen that the “template” referred to in *Ito* is image data detected from an input image and stored in a memory 1103 included in an image processing apparatus (Fig. 3).

In view of the above, Applicants submit that *Ito* does not in fact teach the reception unit and the transmission unit recited in independent Claim 24, and that that claim is therefore allowable over *Ito*, taken alone. ✓

Even if *Salvati* is deemed to teach all that it is cited for in the Office Action, that would not supply what is missing from *Ito* as a reference against Claim 24, and that

claim therefore is deemed to be allowable over both patents, taken separately or in any permissible combination (if any exists).

Independent Claim 31 is a method claim corresponding to apparatus Claim 24, and is believed to be patentable for at least the same reasons as discussed above in connection with Claim 24.

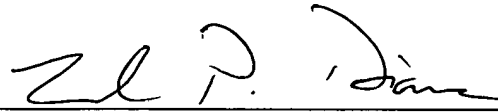
A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or the other of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L. P. Diana", is written over a horizontal line.

Attorney for Applicants  
Leonard P. Diana  
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

NY\_MAIN 364396v1